

05-30

MSA. S. 1829-5698

Comments K-5
6/28/07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHalé
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 26, 2007

Ms. Adrienne Stiffler
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Subdivision: Edwin B Fockler; Greenback Road
TM 35 Block 10 Parcel 130

Dear Ms. Stiffler:

Thank you for providing revised information regarding the above referenced subdivision. The applicant is seeking to create a single lot of 2.23 acres located in the Resource Conservation Area (RCA) to convey as an intra-family transfer. The original parcel is 19.7 acres in size, of which 13.2 acres is in the RCA.

Based on the information provided I have the following comments:

1. A set of notes addressing the forest clearing requirements should be added to the plat. The entire 13.2 acres within the RCA is forested, thus the ultimate clearing restriction of 30% is 1.98 acres. The proposed clearing is 0.78 acres on the 2.23 acre lot leaving 1.2 acres available for additional clearing on the parcel.
2. Based upon my review of aerial imagery for the site, it appears the area is entirely forested and part of a large block of forest that may qualify as Forest Interior Dwelling Species (FIDS) habitat. The parcel must be reviewed by DNR Wildlife and Heritage to determine whether FIDS habitat is present. Please forward a copy of the response letter to this office.
3. If FIDS habitat is present, the applicant must follow the site design guidelines found within the Commission's guidance paper, A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area. Additionally, the applicant must submit a copy of the completed FIDS mitigation worksheet found within the Guidance Document to determine the amount of mitigation required. Mitigation requirements are reduced when the applicant follows all of the guidelines recommended by DNR Wildlife and Heritage and the Critical Area Commission.

4. Given the above, I do not believe it is appropriate at this time to proceed with the proposed Forest Retention Area shown as this may not satisfy the necessary forest mitigation.
5. Note #10 should be revised to include a statement that the lot is being created under the Intra-family Transfer Provisions of Cecil County Zoning Code Section 193.4.b.
6. Note #16 should be revised to include the impervious surface limit of 15% or 14,576 square feet.
7. Note #17 should be revised to state no disturbance shall occur within the Buffer without an approved variance and an approved buffer management plan.

This office would like to state that the intent of the Critical Area Law and Criteria in relation to forested areas is to ensure no net forest loss. Thus, this office does not believe it is appropriate to proffer forest retention areas within the RCA for clearing in excess of the 30% limit. This does not provide for replacement of forest areas as is required to meet the no-net loss goal. While Section 200.6.b(1) allows the Planning Commission or Office of Planning and Zoning to modify the forest replacement requirements, this is only for properly grandfathered lots. There are no provisions within the Cecil County Zoning Code to allow this to occur in the creation of new lots.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CE 321-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 30, 2006

Ms. Amanda Gordon
Cecil County Department of Planning and Zoning
129 East Main Street
Elkton, MD 21921

RE: Subdivision: Edwin B Fockler; Greenback Road
TM 35 Block 10 Parcel 130

Dear Ms. Gordon:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to create a single lot of 2.23 acres located in the Resource Conservation Area (RCA) to convey as an intra-family transfer. The original parcel is 19.7 acres in size, of which 13.2 acres is in the RCA.

Based on the information provided I have the following comments:

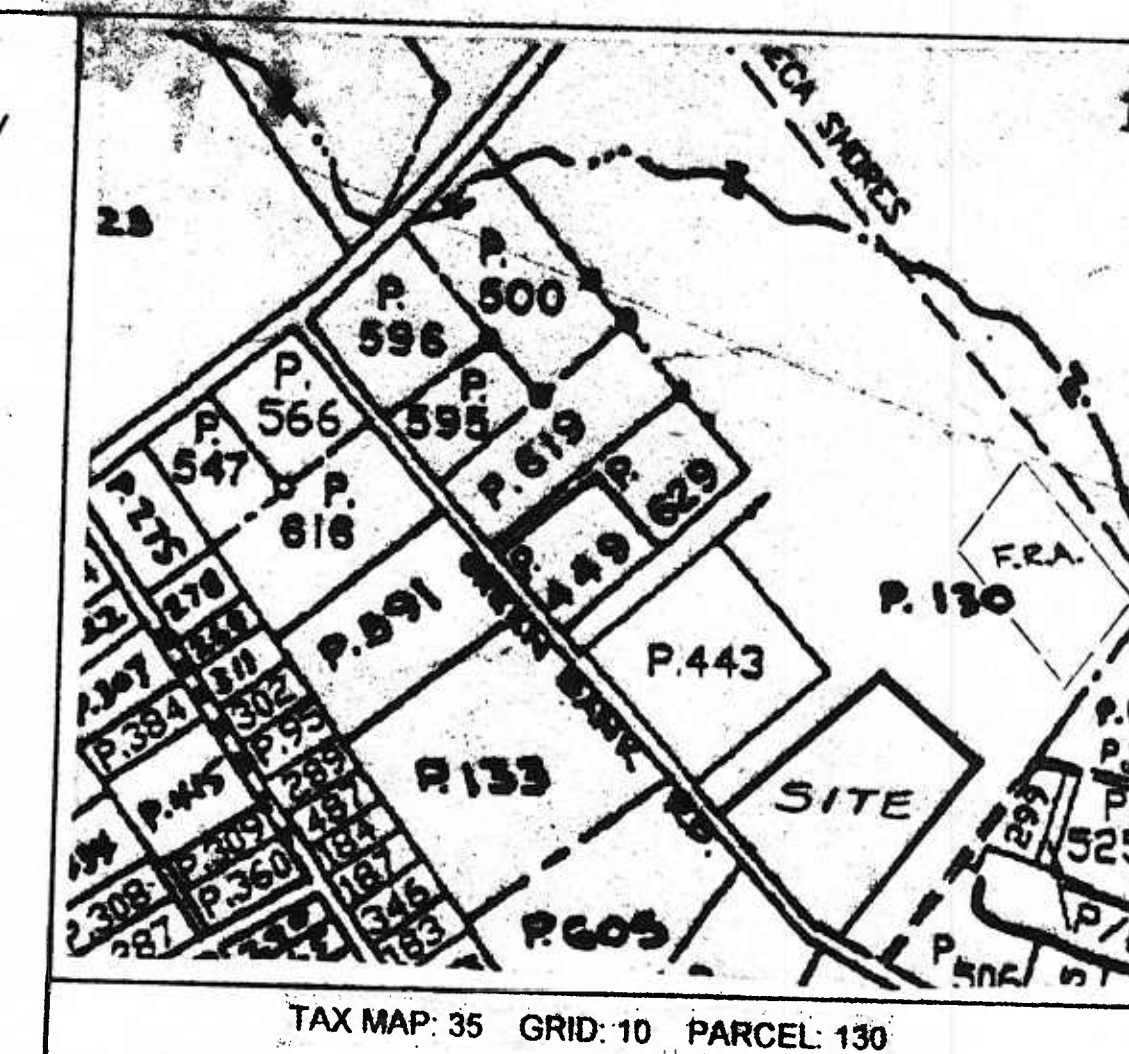
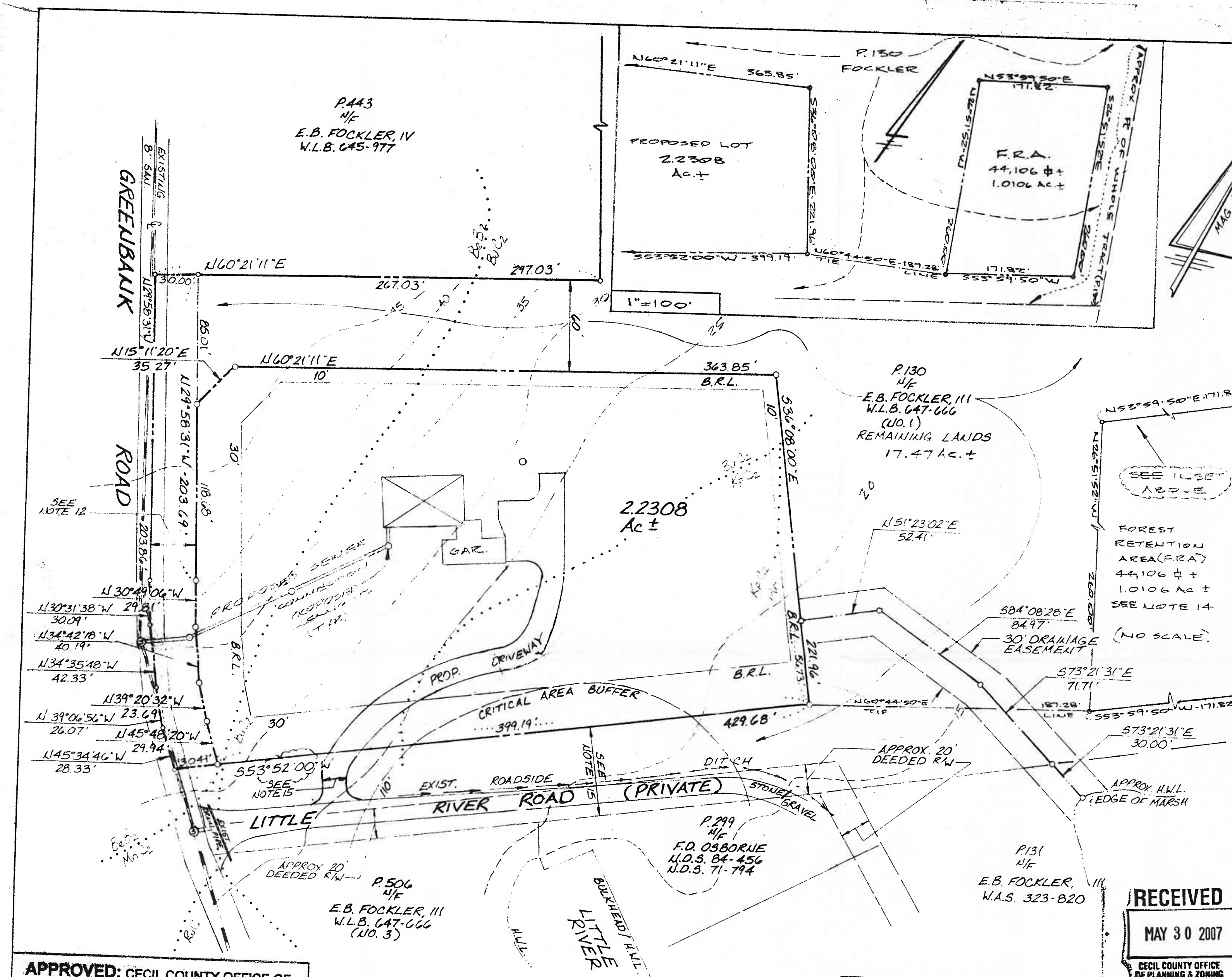
- Information regarding the percent of existing forest and the amount of proposed forest clearing was not provided. The applicant must follow the guidelines found in Cecil County Zoning Code Section 200.6 to create or protect forest and developed woodlands. A site with less than 15% forest cover shall be afforested to meet 15% forest cover. Proposed clearing of existing forest vegetation must be replaced at the appropriate ratio based on amount cleared. I recommend a note be added to the plat addressing this issue.
- A note should be added to the plat regarding the following Critical Area guidelines; no disturbance will take place in the Buffer without a variance, impervious surface coverage is limited to 15% of the site.
- Is there an existing dwelling unit in the Critical Area on the remaining parcel? Based upon Somerset Zoning Code Section 193.4(b) the applicant is allowed 3 lots under intra-family transfer, which may contain 1 dwelling unit each. A note should be added to the plat stating the remaining number of development rights allowed under intra-family transfer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt". The signature is written in a cursive style with a long horizontal stroke at the end of the last name.

Kate Schmidt
Natural Resource Planner
CE 321-06



- NOTES:**
- FOR TITLE DEEDS SEE: W.L.B. 647-666 (NO. 1) & W.A.S. 329-978
 - PRESENT ZONING: SR
 - THERE ARE 5' DRAINAGE AND UTILITY EASEMENTS RESERVED ALONG SIDE AND REAR PROPERTY LINES
 - CONTOUR SOURCE: A.D.R. ASSOCIATES TOPOGRAPHICAL MAP
 - TOTAL NO. OF LOTS=1
 - AREA OF LOT=2.2308 AC. +/-
 - THIS LOT IS LOCATED WITHIN THE R.C.A. OF THE CRITICAL AREA
 - DENSITY
 - OVERALL
 - ACREAGE OF TRACT = 19.7 AC. +/-
 - NO. OF LOTS = 1 LOT + RESIDUE
 - DENSITY PROPOSED = 1:9.85 AC. (2 LOTS)
 - DENSITY ALLOWED = 1:0.5 AC. (9 LOTS)
 - CRITICAL AREA
 - CRITICAL AREA ACREAGE = 13.2 AC. +/-
 - NO. OF LOTS = 1
 - LOTS PROPOSED = 1
 - LOTS ALLOWED = 3 (ALLOWED UNDER ARTICLE XI SECTION 193.4(b))
 - SEE MINOR SUBDIVISION NO. 2793
 - THE PURPOSE OF THIS PLAT IS TO ENABLE EDWIN B. FOCKLER, III TO CONVEY THIS LOT TO HIS SON CAMERON H. FOCKLER AND HIS WIFE ANDREA FOCKLER
 - THIS LOT IS EXEMPT UNDER THE PROVISIONS OF SECTION 3.2B OF THE CECIL COUNTY FOREST CONSERVATION REGULATIONS
 - ROAD WIDENING AND UTILITY STRIP TO BE CONVEYED TO THE CECIL COUNTY COMMISSIONERS IN FEE SIMPLE (0.2288 AC. +/-)
 - THERE ARE NO WETLANDS PRESENT ON THIS PROPOSED LOT. SEE LETTER FROM FREDERICK WARD ASSOCIATES DATED 07-07-04.
 - SEE ENVIRONMENTAL ASSESSMENT AND PLAN PREPARED BY FREDERICK WARD ASSOCIATES, BEL AIR, MARYLAND
 - ACCESS TO THIS LOT WILL BE FROM LITTLE RIVER ROAD AS SHOWN. THE GRANTOR WILL GRANT AN APPROPRIATE EASEMENT FOR THIS PURPOSE IN THE DEED OF CONVEYANCE TO THE GRANTEE.
 - PROPOSED IMPERVIOUS SURFACES = 14.7%
 - THERE SHALL BE NO DISTURBANCE WITHIN THE CRITICAL AREA BUFFER WITHOUT AN APPROVED BUFFER MANAGEMENT PLAN.

RECEIVED
MAY 30 2007
CECIL COUNTY OFFICE OF PLANNING & ZONING

- LEGEND:**
- PROPOSED HOUSE.....
 - PROPOSED WELL.....
 - EXISTING SANITARY MANHOLE.....
 - EXISTING 8" SANITARY SEWER.....

APPROVED: CECIL COUNTY OFFICE OF PLANNING AND ZONING

DIRECTOR _____ DATE _____

APPROVED: CECIL COUNTY DEPARTMENT OF PUBLIC WORKS

JUN 11 2007

DIRECTOR OR SENIOR ENGINEER _____ DATE _____

APPROVED: CECIL COUNTY HEALTH DEPARTMENT

DIRECTOR _____ DATE _____

REVISIONS:

05-24-07

THE EXISTING COMMUNITY WATER AND/OR SEWERAGE SYSTEM TO BE UTILIZED FOR THIS SUBDIVISION IS IN CONFORMANCE WITH THE COUNTY PLAN.

THE EXISTING COMMUNITY WATER AND/OR SEWERAGE FACILITIES WILL BE AVAILABLE TO ALL LOTS OFFERED FOR SALE.

OWNER [Signature] DATE 10/17/05

OWNER'S CERTIFICATION

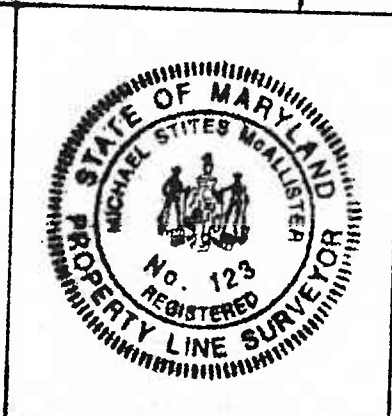
The requirements of Section 3-108, real property article of the annotated code of Maryland, relative to the preparation of this plat have been complied with to the best of my knowledge. I hereby certify that I am the owner of the property shown hereon and that this subdivision plan was made at my discretion.

Owner [Signature] DATE 10/17/05

SURVEYOR'S CERTIFICATION

I hereby certify that the information on this plat is accurate as shown. This survey is based on the title deed(s) and is subject to outconveyances, easements, rights of way, and any other information resulting from a title search.

Michael S. McAllister, Surveyor DATE _____



MICHAEL S. McALLISTER
SURVEYOR
103 COURT HOUSE PLAZA
ELKTON, MARYLAND 21921
410-398-5471
410-392-6535 FAX

MINOR SUBDIVISION PLAT FOR
EDWIN B. FOCKLER, III
FIFTH ELECTION DISTRICT
CECIL COUNTY, MARYLAND